

APPENDIX A: SCOPING COMMENT DISPOSITION

All comments received on the FR 459/457 Mixed Use Project were reviewed by the interdisciplinary team and District Ranger. This summary explains how public comments were categorized and addressed. Categories of comments include:

1. **Issues that drive alternatives:** An issue is a point of debate with a proposed action based on some anticipated effect(s). An issue that drives alternatives is based on extent of geographic distribution, duration of effect, and intensity of interest or conflict generated. Issues that drive alternatives are analyzed in detail in the Environmental Assessment (EA).
2. **Other Issues:** Issues that do not drive alternatives are issues that are 1) not within the scope of the proposed action, 2) not relevant to the decision to be made, 3) already decided by law, regulation, or policy, or 4) conjectural or unsupported by scientific evidence. Issues about effects that can be mitigated through further clarification of the proposed action, standards and guidelines, or mitigation measures may not drive alternatives. According to CEQ regulations, these issues are only to be analyzed briefly. This summary lists issues that will be analyzed briefly in the EA.
3. **Non-issue comments and questions:** Non-issues are comments that do not debate effect the effects about the proposed activities. They may be questions, asking for more clarification of the proposed action.
4. **Comments noted:** Some comments are statements of opinion or preference about the proposed actions. These are considered by the interdisciplinary team and provide information on individual and group values and preferences relating to this project. However, the scoping process is not a vote and comments are not used in that manner.

1. **Issues that drive alternatives:** No issues that drive additional management alternatives were identified by scoping comments. The proposal is limited in scale and intensity (5.25 miles of mixed motorized use on higher standard roads), and the types of effects from this proposal were already analyzed in the Forest-wide Travel Management Project EA. Some commenters suggested that FR 459/457 not be opened to mixed use, and this option is displayed in the EA as Alternative 1 (No Action).

2. **Other Issues:**

Jeff Holker: *I have three concerns given the fact Grassy Lake Road had a significant amount of ATV traffic a few years ago (when Chain Saw Sisters and the Mudro BWCA access point was private):*

No Destination = Potentially Bad Outcomes – What is the destination if an ATV travels on this road? Previously it might have been to access the Chain Saw Sisters for a quick beer and some catching-up (a good thing). With that establishment gone, and no destination that seems a logical ending point, is there a risk of going ‘off road’ on public (or private) land and causing a level of environmental destruction? Or accessing private property or cabins on the road that are difficult to patrol because of their remoteness? If you don’t go off-road, what is the fun of going down a five-mile gravel road (with washboard surface to boot!) only to turn around and go back?

Jan Harrington and Scott Hagans: *There is a popular snowmobile trail near the area and we question the need to supplement that with similar activities in the summertime when the number of vehicles on those roads in the area already increases exponentially in summer, and there are numerous other opportunities for recreation in the summer.*

I understood from speaking to the Ranger that people who live on the road could then legally drive on it on an ATV from one dead-end spur to another. That sounds logical, but for what purpose? That would be a convenience, rather than a recreational opportunity. If the purpose of the proposed change is to “enhance long distance recreational vehicle riding opportunities” by creating a place for people to tear around on ATVs, making lots of noise and burning fuel for no reason other than entertainment, is this the right place for that? We don’t think so.

Response: The Forest Service had been contacted numerous times about the potential for OHV access on these roads when the privately owned and operated Chainsaw Sisters Saloon located at the north end of FR 457 was in business. This private business offered a destination that was frequented by snowmobile riders in winter with parties beginning or ending their BWCAW canoe trips at the Mudro Lake entry point. Riders who requested OHV access wanted to access the Chainsaw Sisters by connecting Forest Road 1036 (Cloquet Line or Low Lake Road) to FR 457 so that they could depart Ely or Winton and ride to this destination. Once the Chainsaw Sisters property was sold and transferred to the Forest Service, these requests went away.

Although the destination of the Chainsaw Sisters is no longer the draw to this area, FR 459 and 457 still offer a long distance riding opportunity to the public that would also connect four existing shorter roads currently open to OHV riding. It’s expected that most of the OHV use would occur in the fall during hunting season. This could be as early as bear season which often opens in late August, then might pick up during small game season for grouse hunting, then again during deer season from early to mid-November. Although the purpose of opening these roads to OHVs would be to provide a recreational riding opportunity, it would not be expected to draw large numbers of riders because OHVs would need to be trailered, unloaded, and loaded again which in the big picture of OHV riding is a limited experience. Riders would most likely be local people or a few hunting camps that set up on public land in the fall who would enjoy the opportunity to explore on authorized routes or move from place to place.

Jan Harrington and Scott Hagans: *We will be building a tiny solar-powered cabin off Road 459 this summer, and plan to be careful stewards of the land. It is disheartening to contemplate the possibility of ATV rallies up and down those roads if their classifications were changed. That may not be exactly the aim of the proposal, but if it goes forward, it’s my understanding that it wouldn’t be illegal to have large ATV get-togethers along the length of these roads. We’ve seen a pristine rainforest environment ruined by just that sort of thing.*

Response: We do not believe large ATV get-togethers or rallies would occur on FR 459/457. Instead, the use would mostly be for hunting by local landowners or outfitters. Organized events on the Forest such as a ‘rally’ would require an application for a special use permit which would be considered in a separate environmental analysis. Again, we do not believe this route is where such an event, whether formal or informal, would be proposed or desired.

Mike and Carolyn Meier: *My family has a private road turning directly off the North Grassy Road: 2080 N Grassy Road. We have heard from neighbors that you have asked them for reactions to the possibility of allowing ATV use of the road.*

My main concern is that there is no destination on Grassy road, only roads leading to private property. I visualize riders becoming bored with the dusty, narrow, straight road and being tempted to explore. Random off-road riding can do heavy damage to forest land. Our property is very remote, with a mile long driveway. Having more vehicles tempted to explore our property makes us feel very vulnerable.

Our road begins on federal land and we pay for a special use permit. We are responsible for road maintenance and visualize ATV's very possibly damaging the road. It is also a very hilly, narrow, single lane drive and adding ATV traffic would be dangerous.

Response: OHVs to ride FR 459 and 457 and connect with the four shorter routes already open to OHVs would provide opportunities that most riders would appreciate. To discourage OHV access on unauthorized routes including private drive ways, adequate signing which clearly displays where OHVs can or cannot ride would be in place to inform the riding public which routes are authorized and which are not. Special use roads on National Forest System land can also be gated to all but foot travel provided the gate is signed as a special use route with limited public access. In addition, the Motor Vehicle Use Map for the Superior National Forest available on our website and at District offices indicates what routes are open to OHV. All routes not marked as open are closed. We also believe that working with OHV user groups to educate users on what routes are open and providing reasonable riding opportunities helps to reduce incidence of illegal intrusions.

Jeff Holker: *Safety – Our family's biggest concern is safety. We do a great deal of 'casual biking' (not racing, not off-road/mountain biking, but rather just family fun biking). We use Grassy Lake Road currently to avoid traffic on the Echo Trail (we have a younger child), and when there were ATV's using the road, there were a couple times when their speed coming around corners or over the top of a hill almost led to a collision. In one case the driver was coming down the wrong side of the road—even scarier—and the consequences of being hit would not be a good outcome.*

Response: Safety is the biggest concern of the Forest Service also. Within the Mixed Use Project Record are the Engineering Reports for both FR 459 and 457 that address safety concerns and mitigations measures needed for implementation prior to allowing OHV use. Safety is discussed in Section 3.6 of the EA.

Dave Spencer (phone call): *Owns cabin off Grassy Lake Road. Summer traffic fairly high so concerned about safety. Outfitters with trailers ride fast.*

Response: The proposal includes all of the mitigation measures suggested in the Engineering Report titled "Analysis of Road numbers 459/457 for Motorized Mixed Use Designation." In the report, mitigation measures for FR 459 include signing for mixed use and intersection caution signage and the increase of vertical clearing (brushing of tall vegetation on corners) on roadway. Mitigation measures for FR 457 include signing for mixed use and intersection caution signage, the construction of additional turn outs, and the increase in road width and recovery zone through a narrow rock cut.

Also in the report included in "Summary of Findings" if mixed use was allowed, local canoe trip outfitters would be cautioned and made aware of additional OHV traffic. Outfitters with a livery service to provide transportation of clients on the Forest need a livery permit and are typically one of approximately 30 "Cooperators" on the Kawishiwi Ranger District. Cooperators are

contacted frequently throughout the year via a quarterly newsletter, two Cooperator meetings, two site visits by FS personnel, and through email whenever a new issue emerges. All Cooperators who use these roads would receive numerous reminders if the road designation changes to allow OHVs.

Jeff Holker: *Litter – I know you can't blame ATV riders when I have no facts, but I can say that when ATVs used the road for whatever purpose, there was significantly more litter—beer cans, fast food wrappers, etc.—strewn about. It may not have been ATVs but rather the fact that the Chain Saw Sisters Saloon was open and serving beer.*

Response: Litter and the misuse of National Forest System roads and other recreation sites is an unfortunate reality on public lands. Forest Service personnel travel FR 459/457 on a weekly basis to service permit boxes at the Mudro Lake BWCAW entry point and to work on portages and trails in the area. Their typical duties while on routine “box runs” include garbage pickup, brushing, sign straightening etc.; hopefully, there would not be an increase in litter if OHVs were allowed on these routes.

Stephen Erikson: *My main concern relates to noise levels near the Mudro entry point to the BWCA. Motor noise detracts from a wilderness experience. Some ATVs seem to have muffler problems and are quite loud.*

Jeff Holker: *Noise – When ATVs used the road, the noise at times was fairly loud (disruptive?). If ATVs had better (or not modified) muffler systems, I imagine this would be less of an issue.*

Response: Effects from noise to non-motorized recreation and the BWCAW are disclosed in Sections 3.1 and 3.2 of the EA.

Jan Harrington and Scott Hagans: *The letter notes that there are few opportunities for that type of riding in the area. That is as it should be. Because this area is so close to the boundary of the BWCA, we wonder about the wisdom of encouraging more of this type of recreation in the area. The BWCA waters and wildlife are already threatened by many activities near its borders, and adding loud, gas-burning recreational vehicles just doesn't make sense so close by.*

Response: The BWCAW is close to the project area and the EA discloses effects to the BWCAW which will be considered by the Responsible Official in making a decision on the project. FR 459/457 are outside of the BWCAW in a Forest Plan Management Area where ATV use is allowed.

Sierra Club: *Thank you for providing this opportunity to comment on the Mixed Use Motorized UseProject for Forest Roads 457 and 459. The comments herein are submitted on behalf of the Sierra Club North Star Chapter. The Sierra Club is a non-profit environmental organization with several thousand members in Minnesota. We participate in the administrative process to encourage environmental health and sustainability, long term wildlife and habitat protection and biodiversity goals.*

The Forest Plan prohibits OHV use on maintenance level 3, 4, and 5 roads unless the safety of riders and other road users can be assured and no damage to forest resources will be caused. The scoping letter references an analysis that was completed almost two years ago (August, 2011), but does not specify the details of the findings. More information must be included to determine the effects of this project on safety and the surrounding environment. FR 457 and 459 should not be open to OHV's until this information is analyzed and shared with the public.

Increases in off highway vehicle (OHV) use are increasing damage to precious natural resources. OHV's cause: damage to water and soil resources, erosion, sedimentation, spread of non-native invasive species (NNIS), air and noise pollution, disruption to other forest users, increases in motorized traffic and destruction of sensitive species habitat. A large percentage of motorized recreation riders do not stay on sanctioned trails but travel into new areas. This creates a multitude of negative impacts to our forests.

Response: The EA discusses the Forest Plan Guideline you mentioned (Chapter 1). The Engineering Report referred to in the scoping letter is quoted in the EA, is located in the project record, and is available upon request. The EA (Chapter 3) also discusses safety and the other resource issues you mention (water and soil, NNIS, air, noise, non-motorized recreation use levels, wildlife, and illegal use). These analyses incorporate by reference the Travel Management Project EA (which already considered these issues at a broader scale on the SNF) and focus on any site-specific effects in the FR 459/457 area.

Rob Barkdoll: *I am sending this e-mail to express my interest in allowing four wheeler access on the North Grassy Lake Road. I have been hunting with Don Zupec for over 30 years in that area. It would make sense to open that road up to four wheeler use as it would make the entire hunting experience better. Both of my sons would enjoy riding the road on ATV's versus hauling them up and having limited riding space. I don't believe that this would have negative impact on the road or the surrounding roads. With the road being opened to ATV use, it will most certainly attract more folks to the area for recreational activities.*

Leonard Groom III: *I fully support the use of ATVs on the 457/459 forest roads. I have a cabin on the Echo Trail and I use that road often for hunting and walking. It would be nice to legally use my ATV on it again.*

Jamie Pucel: *I am in support of opening the said roads to ATV use. Our family has a cabin nearby on the Echo Trail and use this road for hunting and other recreational activities.*

Mike Levig: *I would like to express my comment towards the mixed use action on Forest roads 459 and 457. I think this is an excellent idea to open the roads up to ATV use and feel that it would be beneficial to all that use the roads to get to their favorite fishing and hunting areas. I am a Disabled Vet and I'm also a Trail Ambassador and know the importance of keeping areas open for all to enjoy. My only wish is that people are responsible in keeping areas clean and safe and only time will tell.*

Tim Kerntz: *I want to express my overwhelming support to keep the above listed roads/routes open to ATV use.*

Many of us have been using the above listed access roads for over 40 years. We use these roads to access land for hunting, fishing, and general recreational use. To my knowledge, there has not been a single accident or safety accident in the areas in question after all of these years of use. Nor has there been any environmental damage or illegal activity in the area. The local residents that use the roads are experienced and responsible operators, and there is no plausible reason why the roads should be off limits to people.

In closing, I ask that you please consider my thoughts and keep the roads open for ATV use. However, if it is determined that the roads cannot be left open for ATV use for safety

reasons, then we would ask that the USFS, at a minimum, to make some effort to identify alternative routes so that we can continue to use four-wheelers to access the areas in question.

Response: We understand the hunting and recreation experience for OHV users could be benefited by the project.

3. Non-issue comments and questions:

Stephen Erickson: *I am also concerned about the location of the fourth dead end road not shown on the map. I see 459 D, E and G only. Does it come off FR 457? Why is FR 457 being proposed to connect 4 dead end roads when the map shows no dead end roads coming off FR 457? I think FR 457 should be withdrawn from the plan as shown.*

Response: There is a very short spur near the end of FR 457. It shows up on the Ely Area Motor Vehicle Use Map (MVUM) as T5-457F. Allowing OHV use on FR 457 would provide a riding opportunity to Pickett Lake for those who enjoy a lake view or a short stroll down the portage trail the creek into Mudro Lake. There are also shore fishing opportunities and a small user developed gathering area on Pickett Lake.

4. Comments noted:

Chris Fink: *I fully support the use of ATVs on the 457/459 forest roads. Legal ATV use on roads such as this would be welcomed and enjoyed by many.*

Joe Pucel: *I am submitting these comments in response to a letter dated March 18, 2013 from Mr. Brian Pentecost in regards to FR 459/457 Mixed Use Project. I support the use of ATVs on FRs 459 and 457 and hope you will approve there use.*

Don Zupec: *My name is Don Zupec, originally from Ely MN. I own a cabin and property on Grassy Lake, to which this issue directly affects me and my family. We have owned the property on Grassy Lake since 1950, and are very well versed with this issue. I, along with others, are in strong favor of allowing the use of ATVs and UTVs on both of the roads in question. Up until 2009, recreational vehicles were legal to operate on these roads, and did so without any reported accidents, injuries, or destruction to wetlands. I have taken a personal interest in this effort, and want to see these roads reopened for such use.*

Mike Levig: *ATVer's are responsible and we have over 305,000 registered machines in our state and I believe we can work together insuring safe areas for future generations to enjoy.*

Daniel Mundt: *I have received and read your communication of March 28, 2013 relative to the Kawishiwi Ranger District proposing to allow mixed use of passenger vehicles and ATVs on 5.25 miles of existing forest road.*

Since I am not an actual user of the area that you are describing, I am going to wait until I see your Environmental Assessment materials.

My general perception and has been for many years is that the forest service is trained in these areas and that, tend to support what you are doing because I defer to your knowledge, experience, and concern.

Put me down as one who wishes to see you move forward at this point, but. reserving my right to raise questions or objections if your Environmental Assessment raises questions.

John Chelesnik (phone call): *Supports the project so he can access FR 459 from FR 459D and to access land he leases from the County.*

Mike Loe (phone call): *Supports the project and wants enough places for ATVs to legally ride and enjoy the surroundings if that their preferred mode of travel.*

Kevin Niskala (phone call): *Supports dual use of ATVs and motor vehicles on FR 459/457.*

Dick Olson (phone call): *In favor of ATVs on roads, specifically FR 459/457. Owns land on both sides of Range River.*

Pat Loe (phone call): *Supports dual use of snowmobiles and ATVs on FR 459/457.*

Dave Souler (Babbit ATV/Snowmobile Club, phone call): *The Club believes this a very reasonable proposal, especially because opening these roads to ATV would connect to multiple shorter routes already open to ATV.*

Response: Comments noted.

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